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REMARKS

Applicants have amended claim 24 to require the first layer to be a neck-bonded laminate substrate. Support for this amendment can be found in the instant specification on page 28, lines 11-15. Further, Applicants have amended claims 32 and 33. Support for these amendments can be found in original claims 32 and 33, and further, in the instant specification on page 28, lines 8-10 and page 11, lines 15-19. After entry of this Amendment C, claims 24-33 and claims 70-82 will be pending in this case. No new matter has been added by these amendments. Applicants note that claims 70-82 have been found allowable. Applicants respectfully request reconsideration and allowance of all pending claims.

1. Rejection of Claims 24-33 and 70-82 for Obviousness-Type Double Patenting

Claims 24-33 and 70-82 have been provisionally rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9, 14-15, 21-29, 35-37, 42-44, 48-56, and 62-67 of co-pending U.S. Patent Application No. 09/944,635. In response thereto, Applicants have enclosed herewith a Terminal Disclaimer in accordance with 37 C.F.R. 1.130(b) and 37 C.F.R. 1.321(c) to obviate the rejection. Accordingly, Applicants respectfully request the obviousness-type double patenting rejection be withdrawn.

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2. Rejection of Claims 24 and 33 Under 35 U.S.C. §102(b)
(¶6)

Reconsideration is requested of the rejection of claims 24 and 33 under 35 U.S.C. §102(b) as being anticipated by Hall, et al. (U.S. 3,370,106).

Claim 24, as amended, is directed to a laminated structure comprising at least a portion of a first layer attached to at least a portion of a second layer using an adhesive composition. The adhesive composition comprises an atactic polymer having a degree of crystallinity of less than about 20% and a number-average molecular weight between about 1,000 and about 300,000 and an isotactic polymer having a degree of crystallinity of at least about 40% and a number-average molecular weight between about 3,000 and about 200,000. The first layer is a neck-bonded laminate substrate.

Hall, et al. disclose a hot-melt adhesive suitable for bonding two materials together such as a corrugated paper medium and a 50-pound kraft paper facer sheet to produce corrugated paper board. The hot-melt adhesive is also suitable for the fabrication of paper cartons.¹ The adhesive composition comprises 60 to 95 weight percent atactic polypropylene and 5 to 40 weight percent polyethylene or isotactic polypropylene. The atactic polypropylene has a molecular weight of 15,000 to 60,000 and the isotactic polypropylene has a molecular weight of up to about 500,000, and preferably 85,000 to 95,000.

Significantly, Hall, et al. fail to disclose a laminated structure comprising at least a portion of a first layer attached

¹In column 1, lines 36-38, Hall, et al. disclose that the hot-melt adhesive composition may be used for bonding wood, paper, plastics, textiles, and other materials.

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to at least a portion of a second layer, wherein the first layer is a neck-bonded laminate substrate. This is a requirement of amended claim 24 and is a significant aspect of Applicants' invention. The Hall, et al. reference makes no mention of such a neck-bonded laminate substrate.

As stated in M.P.E.P. §2131, a claim is anticipated only if each and every element of the claim is described in the prior art reference. Because Hall, et al. fail to disclose a laminated structure comprising a first layer attached to a second layer, wherein the first layer is a neck-bonded laminate substrate, Hall, et al. do not disclose each and every element of amended claim 24. As such, the Hall, et al. reference does not anticipate claim 24, and claim 24 is patentable.

Claim 33 directly depends from claim 24. As such, claim 33 is patentable for the same reasons as claim 24 set forth above, as well as for the additional elements its requires.

3. Rejection of Claims 25-30 Under 35 U.S.C. §102(e) or 103(a) (¶7)

Reconsideration is requested of the rejection of claims 25-30 under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Hall, et al.

Claims 25-30 depend from claim 24 and are patentable for the same reasons as claim 24 set forth above, as well as for the additional elements they require.

4. Rejection of Claim 31 Under 35 U.S.C. §103(a) (¶8)

Reconsideration is requested of the rejection of claim 31 under 35 U.S.C. §103(a) as being unpatentable over Hall, et al. in view of Linnemann (U.S. 4,881,683).

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Claim 31 depends on amended claim 24 and further requires that the first and second layers comprise a single material. The single material is folded over and adhesively bonded to itself. Claim 24 is patentable for the reasons set forth above. Applicants note that claim 24 has not been rejected in view of the Hall, et al. and Linnemann references under 35 U.S.C. §103(a). Therefore, claim 31, which depends from claim 24, is patentable for the same reasons as claim 24 above. In particular, Hall, et al., discussed above, fail to disclose a laminated structure comprising at least a portion of a first layer attached to at least a portion of a second layer using an adhesive composition, wherein the first layer is a neck-bonded laminate substrate.

Linnemann discloses a knockdown bulk container for storing and shipping bulk quantities of fluid. The container includes an annular base, an annular cap and a circular side wall. The side wall is formed of a number of paperboard slats adhered to a sheet of paperboard. The side wall is capable of being folded upon itself to provide a substantially flat member in the knockdown condition.²

As stated in M.P.E.P. §2143, to show a *prima facie* case of obviousness, the Office must meet three criteria: (1) the prior art reference(s) must teach or suggest all of the claim limitations; (2) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; and (3) there must be some reasonable expectation of success. The Office has

²U.S. 4,881,683 at col. 5, lines 27-31.

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clearly failed to meet its burden under the first prong set forth above as there is no suggestion or motivation to modify the cited references to arrive at each and every limitation of claim 31.

As stated above, Hall, et al. fail to disclose a laminated structure comprising at least a portion of a first layer attached to at least a portion of a second layer using an adhesive composition, wherein the first layer is a neck-bonded laminate substrate. Linnemann fails to overcome this shortcoming of Hall, et al. Similar to Hall, et al., Linneman fails to disclose a laminated structure comprising at least a portion of a first layer attached to at least a portion of a second layer using an adhesive composition, wherein the first layer is a neck-bonded laminate substrate. As such, amended claim 31 is patentable over Hall, et al. in view of Linnemann.

In view of the above, Applicants respectfully request favorable reconsideration and allowance of all pending claims. The Commissioner is hereby authorized to charge any fee deficiency in connection with this Letter to Deposit Account Number 19-1345 in the name of Senniger, Powers, Leavitt & Roedel.

Respectfully Submitted,



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